

EXHIBIT A



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22PH-CV00605 - JACQUELINE STUART V SRZ OP ROLLA LLC ET AL (E-CASE)

[Case File](#) [Parties & Attorneys](#) [Docket Entries](#) [Charges, Judgments & Sentences](#) [Service Information](#) [Filings Due](#) [Scheduled Hearings & Trials](#) [Civil Judgments](#) [Garnishments/Execution](#)

Judge/Commissioner Assigned: HICKLE, WILLIAM EARL

Date Filed: 05/05/2022

Location: Phelps

Case Type: CC Other Tort

Disposition: Not Disposed

Financial Information
:



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22PH-CV00605 - JACQUELINE STUART V SRZ OP ROLLA LLC ET AL (E-CASE)

Case File	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/Execution
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- | | | |
|--|----------------|---|
| <input type="radio"/> STUART , JACQUELINE , Plaintiff | represented by | THORNBERRY , STEPHEN C. , Attorney for Plaintiff |
| 2535 S HWY 19
ROLLA, MO 65401 | | 4550 MAIN STREET STE 205
KANSAS CITY, MO 64111 |
| Year of Birth: 1967 | | |
| <input type="radio"/> SRZ OP ROLLA LLC , Defendant | represented by | BUNCK , STACY MURROW , Attorney for Defendant |
| 1200 MCCUTCHEN ROAD
ROLLA, MO 65401 | | STE 400
4520 MAIN STREET
KANSAS CITY, MO 64111 |
| <input type="radio"/> SRZ MANAGEMENT HOLDINGS LLC , Defendant | represented by | BUNCK , STACY MURROW , Attorney for Defendant |
| 1200 MCCUTCHEN ROAD
ROLLA, MO 65401 | | STE 400
4520 MAIN STREET
KANSAS CITY, MO 64111 |



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22PH-CV00605 - JACQUELINE STUART V SRZ OP ROLLA LLC ET AL (E-CASE)

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05/19/2022 ☐ [Entry of Appearance Filed](#)

Entry of Appearance; Electronic Filing Certificate of Service.

Filed By: STACY MURROW BUNCK

On Behalf Of: SRZ OP ROLLA LLC

☐ [Entry of Appearance Filed](#)

Entry of Appearance; Electronic Filing Certificate of Service.

Filed By: STACY MURROW BUNCK

On Behalf Of: SRZ MANAGEMENT HOLDINGS LLC

05/05/2022 ☐ [Summons Issued-Circuit](#)

Document ID: 22-SMCC-264, for SRZ MANAGEMENT HOLDINGS LLC.

☐ [Summons Issued-Circuit](#)

Document ID: 22-SMCC-263, for SRZ OP ROLLA LLC.

☐ [Filing Info Sheet eFiling](#)
Filed By: STEPHEN C. THORNBERRY

☐ [Note to Clerk eFiling](#)
Filed By: STEPHEN C. THORNBERRY

☐ [Pet Filed in Circuit Ct](#)

Petition.

Filed By: STEPHEN C. THORNBERRY

On Behalf Of: JACQUELINE STUART

☐ [Judge Assigned](#)

IN THE CIRCUIT COURT OF PHELPS COUNTY, MISSOURI**JACQUELINE STUART****2535 S. Hwy 19****Salem, MO 65560****Plaintiff,****v.****SRZ OP ROLLA LLC d/b/a****ROLLA HEALTH AND****REHABILITATION****Serve Registered Agent****CSC-Lawyers Incorporating****Service Company****221 Bolivar Street****Jefferson City, MO 65101****and****SRZ MANAGEMENT HOLDINGS,****LLC, d/b/a REACH LTC****Serve Registered Agent****CSC-Lawyers Incorporating****Service Company****221 Bolivar Street****Jefferson City, MO 65101****Defendants.****Case No.****Division****PETITION**

Plaintiff Jacqueline Stuart states as follows for her causes of action against Defendants SRZ OP Rolla LLC and SRZ OP Management Holdings, LLC.

1. Plaintiff Jacqueline Stuart is a female resident of Salem, Missouri.

2. Defendant SRZ OP Rolla LLC is a Limited Liability Corporation registered to do business in the state of Missouri and and transacting business in Rolla, Phelps County, Missouri as Rolla Health and Rehabilitation. Defendant may be served at its place of business at the above address.

3. Defendant SRZ OP Management Holdings, LLC, is a Limited Liability Corporation registered to do business in the state of Missouri and and transacting business in Missouri and in Rolla, Phelps County, Missouri, as Reach LTC. Defendant may be served at its place of business at the above address.

4. This case arises under and 29 U.S.C. §201, et seq. (Fair Labor Standards Act or the FLSA) and the 29 U.S.C. §2901, et seq. (Family and Medical Leave Act or the FMLA) making jurisdiction appropriate in this court.

5. Defendants are both, separately and jointly, employers subject to the FLSA and the FMLA.

6. Defendant SRZ OP Rolla is a wholly owned subsidiary of defendant Reach LTC. At all times, the defendants had common ownership, common management and defendant SRZ OP Management, LLC, d/b/a Reach LTC exerted near total control over all aspects of the business including financial matters, Human Resources matters and other areas.

7. Defendants violated the FLSA's minimum wage requirements and retaliated against plaintiff once she reported and complained about the unlawful actions of defendants, internally and to the United States Department of Labor, when it terminated her employment.

8. Defendants violated the FMLA's prohibitions against interference and retaliation when it terminated her employment while she was seeking FMLA protected leave.

9. Plaintiff was hired by defendants in October 2019 as Social Services Director.

10. Plaintiff performed her job to the best of her ability and satisfactorily met the legitimate job expectations of defendant.

COUNT I – UNPAID MINIMUM WAGE

11. Plaintiff incorporates by reference the preceding paragraphs of this petition.

12. Plaintiff was scheduled to work 40 hours per week for defendant.

13. Plaintiff learned that defendants were deducting 30 minutes a day as a "lunch break" from plaintiff's hours each day. These deductions occurred whether or not plaintiff took a break. Upon information and belief this affected all employees at RHH.

14. Defendants' failure to pay plaintiff the standard minimum wage

for all hours worked violated the FLSA.

15. As a direct and proximate result of Defendants' unlawful employment practices described herein, Plaintiff sustained damages in the form of lost salary.

16. Defendants' conduct was willful as defendant knew it had an obligation to pay minimum wage for all hours worked.

WHEREFORE, Plaintiff prays for judgment against Defendants for lost salary, liquidated damages, attorneys fees and costs incurred herein, and for such other relief as the court deems just and proper including reinstatement or other equitable relief.

COUNT II — FLSA RETALIATION

17. Plaintiff incorporates by reference the preceding paragraphs of this petition.

18. Plaintiff complained internally to management beginning in February 2020 about the failure to pay minimum wage for all hours worked.

19. Plaintiff made a complaint to the DOL about wage skimming in early 2020. The DOL launched an investigation. This continued for several months into the fall of 2020.

20. Ultimately, the DOL found defendants violated the FLSA through their wage skimming scheme.

21. At all times, defendants knew plaintiff was the complainant that started the DOL investigation.

22. In November 2020, plaintiff sought FMLA leave for a serious medical condition due to COVID. She was ready to return to work as of November 23, 2020.

23. Defendants did not allow her to return to work. Before she was able to gather the FMLA certification forms, plaintiff was terminated by defendants for pretextual, unfair reasons on November 25, 2020.

24. Plaintiff's wage skimming complaints were a determining factor in the termination decision.

25. As a direct and proximate result of Defendants' unlawful employment practices described herein, Plaintiff sustained damages in the form of lost salary and emotional pain, suffering, inconvenience, loss of enjoyment of life and mental anguish.

26. Defendants' conduct was willful as defendant knew it had an obligation not to retaliate for unlawful reasons.

WHEREFORE, Plaintiff prays for judgment against Defendants for lost salary, compensatory damages, liquidated damages, attorneys fees and costs incurred herein, and for such other relief as the court deems just and proper including reinstatement or other equitable relief.

COUNT III — FMLA RETALIATION

28. Plaintiff incorporates by reference the preceding paragraphs of this petition.

29. In early November, plaintiff sought FMLA leave for a serious medical condition due to COVID.

30. Plaintiff's supervisor asked plaintiff whether she was going to resign or seek FMLA leave on November 20, 2020. Plaintiff indicated she wanted to take FMLA leave but did not know how to do it. She was ready to return to work on November 23, 2020.

31. Plaintiff's supervisor did not send plaintiff the FMLA certification forms. As a result, before she was able to gather the FMLA certification forms, plaintiff was terminated by defendants for pretextual, unfair reasons on November 25, 2020.

32. Upon information and belief, other employees were not required to have medical certification to return to work after a COVID related leave.

33. Plaintiff's request for FMLA leave was a determining factor in the termination decision.

34. As a direct and proximate result of Defendants' unlawful employment practices described herein, Plaintiff sustained damages in the form of lost salary.

35. Defendants' conduct was willful as defendant knew it had an obligation not to retaliate for unlawful reasons.

WHEREFORE, Plaintiff prays for judgment against Defendants for lost salary, liquidated damages, attorneys fees and costs incurred herein, and for such other relief as the court deems just and proper including reinstatement or other equitable relief.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

THORNBERRY BROWN, LLC


By: /s/Stephen C. Thornberry
Randall W. Brown MO# 43805
Randy@ThornberryBrown.com
Stephen C. Thornberry MO# 44354
Steve@ThornberryBrown.com
4550 Main Street, Suite 205
Kansas City, Missouri 64111
(816) 531-8383 telephone
(816) 531-8385 facsimile
ATTORNEYS FOR PLAINTIFF



IN THE 25TH JUDICIAL CIRCUIT, PHELPS COUNTY, MISSOURI

Judge or Division: WILLIAM EARL HICKLE	Case Number: 22PH-CV00605	FILED Thursday, May 5, 2022 Sonja Childers Circuit Clerk Phelps County, MO (Date File Stamp)
Plaintiff/Petitioner: JACQUELINE STUART	Plaintiff's/Petitioner's Attorney/Address STEPHEN C. THORNBERRY 4550 MAIN STREET STE 205 KANSAS CITY, MO 64111	
Defendant/Respondent: SRZ OP ROLLA LLC	Court Address: 200 N MAIN, SUITE 201 COURTHOUSE 2ND FLOOR ROLLA, MO 65401	
Nature of Suit: CC Other Tort		

Summons in Civil Case

The State of Missouri to: SRZ OP ROLLA LLC Alias: 1200 MCCUTCHEN ROAD ROLLA, MO 65401  COURT SEAL OF PHELPS COUNTY	You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition. Thursday, May 5, 2022 /S/ Sonja Childers by Maribel Velazquez-Contreras _____ Date Clerk
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Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

- ☐ delivering a copy of the summons and petition to the defendant/respondent.
☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
☐ (for service on a corporation) delivering a copy of the summons and petition to: _____ (name) _____ (title).
☐ other: _____

Served at _____ (address)
 in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

 Printed Name of Sheriff or Server

 Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____
 Date Notary Public

Sheriff's Fees, if applicable

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$. _____ per mile)
Total	\$ _____


A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE 25TH JUDICIAL CIRCUIT, PHELPS COUNTY, MISSOURI

Judge or Division: WILLIAM EARL HICKLE	Case Number: 22PH-CV00605	FILED Thursday, May 5, 2022 Sonja Childers Circuit Clerk Phelps County, MO (Date File Stamp)
Plaintiff/Petitioner: JACQUELINE STUART	Plaintiff's/Petitioner's Attorney/Address STEPHEN C. THORNBERRY 4550 MAIN STREET STE 205 KANSAS CITY, MO 64111	
Defendant/Respondent: SRZ OP ROLLA LLC	Court Address: 200 N MAIN, SUITE 201 COURTHOUSE 2ND FLOOR ROLLA, MO 65401	
Nature of Suit: CC Other Tort		

Summons in Civil Case

The State of Missouri to: SRZ MANAGEMENT HOLDINGS LLC Alias: 1200 MCCUTCHEN ROAD ROLLA, MO 65401  COURT SEAL OF PHELPS COUNTY	You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition. Thursday, May 5, 2022 /S/ Sonja Childers by Maribel Velazquez-Contreras Date Clerk Further Information:
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☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
☐ (for service on a corporation) delivering a copy of the summons and petition to: _____ (name) _____ (title).
☐ other: _____

Served at _____ (address)
 in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

 Printed Name of Sheriff or Server

 Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____
 Date Notary Public

Sheriff's Fees, if applicable

Summons \$ _____
 Non Est \$ _____
 Sheriff's Deputy Salary _____
 Supplemental Surcharge \$ 10.00
 Mileage \$ _____ (_____ miles @ \$._____ per mile)
Total \$ _____

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE 25TH JUDICIAL CIRCUIT COURT, PHELPS COUNTY, MISSOURI

Jacqueline Stuart

Plaintiff,

vs.

Srz Op Rolla Llc Et Al

Defendant.

Case Number: 22PH-CV00605

Entry of Appearance

Comes now undersigned counsel and enters his/her appearance as attorney of record for Srz Op Rolla Llc, Defendant, in the above-styled cause.

/s/ Stacy M. Bunck

Stacy Murrow Bunck

Mo Bar Number: 53229

Attorney for Defendant

Ste 400

4520 Main Street

Kansas City, MO 64111

Phone Number: (816) 471-1301

stacy.bunck@ogletreedeakins.com

Certificate of Service

I hereby certify that on May 19th, 2022, a copy of the foregoing was sent through the Missouri eFiling system to the registered attorneys of record and to all others by facsimile, hand delivery, electronic mail or U.S. mail postage prepaid to their last known address.

/s/ Stacy M. Bunck

Stacy Murrow Bunck



IN THE 25TH JUDICIAL CIRCUIT COURT, PHELPS COUNTY, MISSOURI

Jacqueline Stuart

Plaintiff,

vs.

Srz Op Rolla Llc Et Al

Defendant.

Case Number: 22PH-CV00605

Entry of Appearance

Comes now undersigned counsel and enters his/her appearance as attorney of record for Srz Management Holdings Llc, Defendant, in the above-styled cause.

/s/ Stacy M. Bunck

Stacy Murrow Bunck

Mo Bar Number: 53229

Attorney for Defendant

Ste 400

4520 Main Street

Kansas City, MO 64111

Phone Number: (816) 471-1301

stacy.bunck@ogletreedeakins.com

Certificate of Service

I hereby certify that on May 19th, 2022, a copy of the foregoing was sent through the Missouri eFiling system to the registered attorneys of record and to all others by facsimile, hand delivery, electronic mail or U.S. mail postage prepaid to their last known address.

/s/ Stacy M. Bunck

Stacy Murrow Bunck